Applicants : James D. Guilford
Serial No. : 10/807,218
Filed : March 22, 2004
Page : 9 of 12

Attorney's Docket No: INTEL-023PUS
Intel Docket No. P19214

REMARKS

Claims 1 to 3 and 7 to 28 are pending in this application. Claims 1, 15, 17, 23 and 26 are the independent claims. Claims 4 to 6 are cancelled without prejudice. Applicants have amended claim to include the features of cancelled claim 4 to 6. Applicants have also amended claim 17, 23 and 26 to include the features of cancelled claims 4 to 6. Favorable reconsideration and further examination are respectfully requested.

Applicants acknowledge the Examiner's indication that claims 15 and 16 would be allowable if rewritten in independent form including the base claim and any intervening claims. Applicants have amended claim 15 to include the features of claims 1, 10 and 14.

Claims 1 to 14 and 17 to 28 were rejected under 35 U.S.C. §103(a) as being anticipated by Koblenz et al. (U.S. Patent Number 5,530,866 hereinafter "Koblenz") in view of Aho (Compilers Principles, hereinafter "Aho").

Claim 1 is directed to a method of allocating registers in an assembler. The method includes processing assembler code to avoid a register bank allocation error including at least one of a register bank conflict and an insufficient number of physical registers in target hardware, automatically manipulating instructions to avoid the register bank allocation error, coloring a register graph to detect the register bank conflict, identifying registers adjacent to each other in the graph having the same color and finding a shortest path having an odd length connecting the registers adjacent to each other having the same color.

Applicants : James D. Guilford
Serial No. : 10/807,218
Filed : March 22, 2004
Page : 10 of 12

Attorney's Docket No: INTEL-023PUS
Intel Docket No. P19214

The applied art is not understood to disclose or to suggest the foregoing features of claim 1. In particular, neither Koblenz nor Aho, separately or in combination, discloses or suggests finding a shortest path having an odd length connecting the registers adjacent to each other having the same color (Original claim 6).

The Examiner has directed Applicants to Column 13, lines 45 to 62 of Koblenz (see page 3 of the Office Action); however, Koblenz, in this cited passage or any other portion of the reference, does not disclose or suggest finding a shortest path having an odd length much less finding a shortest path having an odd length connecting the registers adjacent to each other having the same color. On the other hand, Applicants have described finding a shortest path having an odd length (see, for example, page 11, line 19 to page 13, line 14 of Applicants' specification).

Aha was cited by the Examiner to merely assert that compilers are the same as assemblers. Aho does not teach finding a shortest path having an odd length connecting the registers adjacent to each other having the same color.

Accordingly, for at least the reasons indicated above, even if Aho were combined with Koblenz, the resulting hypothetical combination would not disclose or suggest finding a shortest path having an odd length connecting the registers adjacent to each other having the same color as recited in claim1.

Applicants note that this rejection uses the same art as in the previous office action with respect to Original Claim 6. As noted in the Examiner's interview Applicants provided support to "the odd length" in the specification. However, the Examiner merely repeated verbatim the rejection in this latest office action without providing any substantive response to Applicants'

Applicants : James D. Guilford
Serial No. : 10/807,218
Filed : March 22, 2004
Page : 11 of 12

Attorney's Docket No: INTEL-023PUS
Intel Docket No. P19214

arguments made in the Applicants' previous response. Applicants respectfully request that the Examiner address the substance of Applicants' arguments.

Claims 17, 23 and 26 have corresponding features to claim 1. Applicants submit that the Koblenz reference should also be withdrawn with respect to claims 17, 23 and 26 for at least the same reasons as claim 1.

For at least the foregoing reasons, Applicants request withdrawal of the art rejection.

Applicants submit that all dependent claims now depend on allowable independent claims.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for withdrawing the prior art cited with regards to any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicants submit that the entire application is now in condition for allowance. Such action is respectfully requested at the Examiner's earliest convenience.

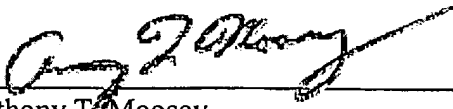Applicants' attorney can be reached by telephone at (781) 401-9988 ext. 123.

Applicants   : James D. Guilford
Serial No.   : 10/807,218
Filed   : March 22, 2004
Page   : 12 of 12

Attorney's Docket No: INTEL-023PUS
Intel Docket No. P19214

No fee is believed to be due for this Response; however, if any fees are due, please apply such fees to Deposit Account No. 50-0845 referencing Attorney Docket: INTEL-023PUS.

Respectfully submitted,

Date: June 5, 2008

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